(58)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
(DIVISION BENCH)

CORAM : **Hon'ble Shri S.R. Nayak, CJ**
Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION No. 6147 OF 2005

PETITIONER

Munnalal Jayaswal
S/o Shri Thakur Prasad Jayaswal,
Aged about 36 years,
R/o Village & Post - Mehgai via
Lakhanpur, District - Surguja (C.G.)

Versus

RESPONDENTS

1. Union of India,
Through its Secretary,
Ministry of Communication,
Department of Post, New Delhi.
2. The Chief Post Master General,
Chhattisgarh Circle, Raipur (C.G.)
3. The Assistant Director (Vig) O/o
Post Master General, Chhattisgarh
Circle, Raipur (C.G.)
4. Superintendent of Post Offices,
Raigarh Division, Raigarh

Present:

Mr. Prashant Jayaswal, Sr. Advocate with Mr. Ali Asgar, for the petitioner.

Shri Gautam Bhaduri, learned Standing Counsel for respondents/ Union of India.

ORAL ORDER
(Passed on 7th of December 2005)

The following Order of the Court was passed by

S.R. Nayak, CJ

The petitioner herein filed O.A. No.734/2004 before the Central Administrative Tribunal, Jabalpur Bench, questioning the validity of the show-cause notice issued by the Assistant Director (Vig.) - respondent

No.3, alleging that he did not disclose the pendency of the criminal case against him when he applied for the post of Village Post Master as required under the regulations. The petitioner without replying to the said show-cause notice and without any justification rushed to the Tribunal for the relief. The Tribunal having noticed the submission of the petitioner that even on the date of the order, the criminal case registered against him was pending and having opined that there was no justification for the petitioner to rush to the Tribunal for relief against the show-cause notice, by the order impugned in this writ petition, dismissed the O.A. Hence, this writ petition under Articles226 and 227 of the Constitution of India.

2. We have heard learned counsel for the parties. In this writ petition, an endorsement issued by the Station House Officer, Ramanuj Nagar, dated 23.11.2005 has been produced by the petitioner to show that the complaint registered against him was withdrawn as far as back on 08-06-1994. Apparently, this was not brought to the notice of the Tribunal nor to the notice of the Department by way of reply. There was absolutely no justification for the petitioner to rush to the Tribunal for relief without replying to the show-cause notice. If the complaint lodged against him was withdrawn in the year 1994 itself and the same was brought to the notice of the Department, the Department itself would not have taken further steps in that regard. At the time of hearing, learned counsel for the petitioner submitted that, however, reply was subsequently filed on 04-06-2005 to the show-cause notice. In that reply also, the fact of withdrawal of the complaint is not stated. In that view of the matter, we dismiss the writ petition, however, reserving the liberty to the petitioner to file additional reply before the Department brining to its notice the withdrawal of complaint

lodged against him by the order of the Government dated 08-06-1994.

There shall be no order as to costs.

Sd/-
Chief Justice
Judge

Sd/-
Satish K. Agnihotri
Judge

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